

REMARKS

Applicants request favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 1-5 and 7-22 are pending in the application, with Claims 1, 11, 15, 17, and 24 being independent. Claims 1, 8, 11, 14, 15, 17-19, 21, and 22 have been amended, and Claims 23 and 24 have been added. Applicants submit that support for the amendments and the newly added claims can be found in the specification and that no new matter has been added.

Claims 1-5 and 7-22 were objected to for various informalities as discussed at pages 2-3 of the Office Action. Applicants have amended the claims in view of the Examiner's comments and believe that the objections have been addressed. Accordingly, withdrawal of the objections is requested.

With respect to Claims 1 and 15, the Office Action states "As disclosed in the specification, the second optical element comprises two lenticular lenses one has periodicity in the horizontal direction and one has periodicity in the vertical direction." Applicants respectfully wish to point out that the use of separate horizontal and vertical lenticular lenses is not the only disclosed embodiment. In Fig. 5 and the description at page 25, line 21 *et seq.*, the specification discloses the use of an array of optical elements such as, for example, microlenses or hologram optical elements. Claim 11 has been rewritten in independent form to help clarify this point.

There being no prior art rejection of Claims 1-5 and 7-16 outstanding, Applicants submit that those claims are allowable. Applicants submit that new Claims 23 and 24 recite similar features and are allowable for at least the same reasons.

Claims 17-21 stand rejected under 35.U.S.C. §103(a) as being unpatentable over the U.S. Patent No. 5,703,717 (Ezra, et al.) in view of U.S. Patent No. 5,663,831 (Mashitani, et al.). This rejection is respectfully traversed for the following reasons.

As recited in Claim 17, the present invention includes, *inter alia*, the features of a second optical member, placed between a display device and a mask member, wherein the second optical member includes a vertical lenticular lens having a periodic structure in a horizontal direction and comprising a plurality of elementary optical elements, and wherein the vertical lenticular lens and the mask member are spaced apart by substantially the same distance as the focal distance of one of the elementary optical elements of the vertical lenticular lens. This arrangement helps prevent crosstalk between parallax images and provides a bright, high-quality image. Applicants submit that the cited art fails to disclose or suggest at least those features.

Ezra, et al. discloses a lenticular lens, a first lenticular lens array, a display, and a diffuser. As shown in Fig. 4 and Fig. 7, Applicants submit that that patent discloses a conjugated relationship among elements. Applicants further submit that the elements as recited in Claim 17 of the present invention do not have such a conjugated relationship since the vertical lenticular lens and the mask member are spaced apart by substantially the same distance as a focal distance of an elementary optical element of the vertical lenticular lens.

Further, Applicants submit that Mashitani merely discloses a mask member to separate an image and even if the diffuser of Ezra, et al. were replaced by the mask member of Mashitani, as suggested by the Examiner (assuming, *arguendo*, that such a combination could properly be made), the present invention recited in Claims 17-21 would still not be obtained.

Accordingly, Applicants submit that Claims 17-21 are patentable over the art of record.

Claims 1-5 and 7-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 13, 15-25, 27-28, 29-33 and 35-38 of copending Application No. 09/836,368.

Applicants respectfully submit that the Office Action fails to properly set forth even a *prima facie* rejection. The Office Action merely asserts that the instant application and the co-pending application both disclose certain subject matter, and refers to Fig. 1 of each application. However, an obviousness-type double patenting rejection must establish that the pending claims would be obvious over those of the other patent or co-pending application. The Office Action does not even identify the differences between the *claims* in the instant application and the *claims* of the co-pending application, nor does the Office Action provide any reasons as to why such differences would have been obvious to one skilled in the art. Accordingly, Applicants respectfully submit that no *prima facie* basis for this rejection has been established.

Moreover, since the co-pending application has not been allowed and this is merely a provisional rejection, Applicants submit that the pending claims should be allowed.

In view of the foregoing, Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the outstanding objections and rejections, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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